

TITLE 119 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAPTER 6 - PERMIT APPLICATION – ADDITIONAL INFORMATION FOR EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

001. ~~The following additional application information is required for existing manufacturing, commercial, mining, and silvicultural dischargers, except for those facilities subject to the requirements of 002. Existing manufacturing, commercial mining, and silvicultural dischargers applying for NPDES permits, except for those facilities subject to the requirements of Section 002, shall provide the information listed in 40 CFR 122.21(g) to the Director. Applicants may use a standard form issued provided by the Director.~~

001.01 ~~Outfall location. The latitude and longitude to the nearest 15 seconds and the name of the receiving water.~~

001.02 ~~Line drawing. A line drawing of the water flow through the facility with a water balance, showing operations contributing wastewater to the effluent and treatment units. The water balance must show approximate average flows at intake and discharge points and between units, including treatment units. If a water balance cannot be determined, the applicant may provide a pictorial description of the nature and amount of any sources of water and any collection and treatment measures.~~

001.03 ~~Average flows and treatment. A narrative identification of each type of process, operation, or production area which contributes wastewater to the effluent for each outfall, including process wastewater, cooling water, and storm water runoff; the average flow which each process contributes; and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge. Privately owned treatment works must also provide the identify of each user of the treatment works and the estimated average flow of point sources composed of storm water, including the basis for the rainfall event and method of estimation.~~

001.04 ~~Intermittent flows. If any of the flows are intermittent or seasonal, a description of the frequency, duration and flow rate of each discharge occurrence, excluding storm water runoff, spillage, or leaks.~~

001.05 ~~Maximum production. If an effluent guideline promulgated under section 304 of the Clean Water Act applies to the applicant and is expressed in terms of production or other measure of operation, a reasonable measure of the applicant's actual production reported in the units used in the applicable effluent guideline.~~

001.06 ~~Improvements. If the applicant is subject to any present requirements or compliance schedules for construction, upgrading or operation of waste treatment equipment, an identification of the abatement requirement, a description of the abatement project, and a listing of the required and projected final compliance dates.~~

001.07 ~~Effluent characteristics.~~

001.07A ~~When quantitative data for a pollutant are required, the applicant must collect a sample of effluent and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR part 136. When no analytical method is approved, the applicant may use any suitable method but must provide a description of the method.~~

When an applicant has two or more outfalls with substantially identical effluents, the Director may allow the applicant to test only one outfall and report that for each outfall.

~~001.07A1 The requirements as found within application Form 2C in Appendix C requires that an applicant must provide quantitative data for certain pollutants known or believed to be present do not apply to pollutants present in a discharge solely as the result of their presence in intake water, however, an applicant must report such pollutants as present.~~

~~001.07A2 Grab samples must be used for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform and fecal streptococcus.~~

~~001.07A3 For all other pollutants, 24-hour composite samples must be used. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than 24 hours.~~

~~001.07A4 In addition, for discharges other than storm water discharges, the Director may waive composite sampling for any outfall for which the applicant demonstrates that the use of an automatic sampler is infeasible and that the minimum of four grab samples will be a representative sample of the effluent being discharged.~~

~~001.07B Storm water discharges. For storm water discharges, all samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area.~~

~~001.07B1 For all applicants, a flow-weighted composite shall be taken for either the entire discharge or for the first three hours of the discharge. The flow-weighted composite sample for a storm water discharge may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes. For a flow-weighted composite sample, only one analysis of the composite of aliquots is required.~~

~~001.07B2 Applicants submitting permit applications for storm water discharges may collect flow-weighted composite samples using different protocols with respect to the time duration between the collection of sample aliquots, subject to the approval of the Director.~~

~~001.07B3 A minimum of one grab sample may be taken for storm water~~

~~discharges from holding ponds or other impoundments with a retention period greater than 24 hours.~~

~~001.07B4 — For storm water discharge samples taken from discharges associated with industrial activities, quantitative data must be reported for the grab sample taken during the first thirty minutes (or as soon thereafter as practicable) of the discharge for all pollutants specified in application requirements for storm water discharges~~

~~001.07B4(a) — For all storm water permit applicants taking flow-weighted composites, quantitative data must be reported for all pollutants specified in application requirements for storm water discharges, except pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform, and fecal streptococcus.~~

~~001.07B4(b) — The Director may allow or establish appropriate site-specific sampling procedures or requirements, including sampling locations, the season in which the sampling takes place, the minimum duration between the previous measurable storm event and the storm event sampled, the minimum or maximum level of precipitation required for an appropriate storm event, the form of precipitation sampled (snow melt or rain fall).~~

~~001.07B4(c) — An applicant is expected to “know or have reason to believe” that a pollutant is present in an effluent based on an evaluation of the expected use, production, or storage of the pollutant, or on any previous analyses for the pollutant. (For example, any pesticide manufactured by a facility may be expected to be present in contaminated storm water runoff from the facility.)~~

~~001.07C — Reporting requirements. Every applicant must supply information requested by the Director on Applications found in appendix A through F of this regulation.~~

~~001.08 — Small business exemption. An application which qualifies as a small business under one of the following criteria is exempt from the requirements to submit quantitative data for the organic toxic pollutants found in Table II of Application Form 2C (Appendix C):~~

~~001.08A — For coal mines, a probable total annual production of less than 100,000 tons per year.~~

~~001.08B — For all other applicants, gross total annual sales averaging less than \$100,000 per year (in second quarter 1980 dollars).~~

~~001.09 — Used or manufactured toxics. A listing of any toxic pollutant which the applicant currently uses or manufactures as an intermediate or final product or byproduct. The Director may waive or modify this requirement for any applicant if the applicant demonstrates that it would be unduly burdensome to identify each toxic pollutant and the Director has adequate information to issue the permit.~~

~~001.10 — Biological toxicity tests. An identification of any biological toxicity tests which the applicant knows or has reason to believe have been made within the last 3 years on any of the applicant's discharges or on a receiving water in relation to a discharge.~~

~~001.11—Contract analyses. If a contract laboratory or consulting firm performed any of the analyses required herein, the identity of each laboratory or firm and the analyses performed.~~

~~001.12—Additional information. In addition to the information reported on the application form, applicants shall provide to the Director, at his or her request, such other information as the Director may reasonably require to assess the discharges of the facility and to determine whether to issue an NPDES permit. The additional information may include additional quantitative data and bioassays to assess the relative toxicity of discharges to aquatic life and requirements to determine the cause of the toxicity.~~

~~002. —Except for storm water discharges, the additional application information is required for all manufacturing, commercial, mining and silvicultural dischargers applying for NPDES permits which discharge only non-process wastewater not regulated by an effluent limitations guideline or new source performance standard shall provide the following information required in 40 CFR 122.21(h) to the Director. Applicants may use a standard form issued provided by the Director, using application form 1 and 2E provided by the Director that can be found in the appendix D to this regulation.~~

~~002.01—The applicant need not complete those portions of Form 2E requiring tests which he has already performed and reported under the discharge monitoring requirements of his NPDES permit.~~

~~002.02—The requirements that an applicant must provide quantitative data or estimates of certain pollutants do not apply to pollutants present in a discharge solely as a result of their presence in intake water. However, an applicant must report such pollutants as present. Net credit may be provided for the presence of pollutants in intake water if the requirements of this chapter are met.~~

Enabling Legislation: Neb. Rev. Stat. §§81-1504(11) and (20); 81-1505(4), (11), and (20)

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